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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/023,158	12/17/2001	Carl R. Chapman	A-209	3204

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EXAMINER

PURVIS, SUE A

ART UNIT

PAPER NUMBER

1734

DATE MAILED: 03/28/2003

6

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicati n No.

10/023,158

Applicant(s)

CHAPMAN ET AL.

Examin r

Sue A. Purvis

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-- The MAILING DATE of this communication appears on the cover sheet with the c rrespondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☒ Claim(s) 9-16 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 May 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Paradis et al. (US Patent No. 5,569,327).

The "Background of the Invention" section of Paradis teaches that in mail handling machines moistening devices are used to wet the flap of an envelope. This is typically done with a moistening brush which comes into contact with the flap. The moistening device also includes a reservoir which must be maintained above a minimum level to ensure that a suitable amount of moisture is applied to the flap. Visual observation can be used to ensure the water in the reservoir is above the minimum level if the reservoir tank is transparent or contains a transparent window which allows observation of the water level. The envelope is then fed between two sealing rollers which press the envelope flap into the envelope body to form the seal. (Col. 1, lines 9-48.)

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Paradis et al.

The "Background of the Invention" section in Paradis does not detail the structure of the reservoir. However, the inventive portion of Paradis comprises a reservoir made up of two portions, one portion includes wicking material in the form of brushes (50) and the other portion is where the user refills the reservoir (105). (Figures 4 and 5; Col. 5, lines 31-41.)

It would have been obvious to one having ordinary skill in the art at the time the invention was made to create a reservoir with two portions where one portion accommodates the wicking material and the other portion has an opening for refilling the tank, because this design preferable as it is constructed and arranged for appropriately but not excessive wetting the envelope flaps. (Col. 1, lines 57-61.) Furthermore, by having the refill means positioned in a separate portion which is easily accessible to a user, the artisan enables the machine to be refilled easily. Alternatively, the user may have to take the machine apart when water has to be refilled.

Regarding claim 3, it is within the purview of the artisan to place the window for checking the level of water on the portion which the user has to refill the water. This allows the user to easily verify if a sufficient amount of water has been added to the reservoir.

Regarding claim 4, Paradis discloses a generally U-shaped first portion (34) having a plurality of pockets (40, 41) are integrally formed with the base wall (35) to define an elongated

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rectangular-shaped receptacle for carrying a moisture applicator device. The pockets (40, 41) are dimensioned for carrying a prior art moisture applicator. The device also includes a cover (90) with openings (96) for the brush (50) to protrude through. (Figure 3 and 7; Col. 4, lines 13-17.)

5. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Paradis as applied to claims 2 and 4 above, and further in view of DeFiguerido (US Patent No. 5,674,348).

Paradis discloses an elongate brush (50) and a brush holder (60). The brush (50) is positioned within a housing (60). The brush (50) is held in position by a tab (58) located on the cover (90). (Col. 4, lines 18-52.)

Paradis does not discuss replacing the brush, but does include a tab (58) which holds the brush (50) in position.

DeFiguerido discloses using a wick (60) which may be replaced simply by lifted guard (68), grasping and withdrawing the wick, inserting a new wick and snapping the guard back into recess (69). (Col. 2, line 50 through Col. 3, line 2.)

It would have been obvious to one having ordinary skill in the art at the time the invention was made to replace the brushes in Paradis as done in DeFiguerido, because over a period of time brushes wear out and need to be replaced. While Paradis does not disclose replacing the brush through the opening of the cover, it is within the purview of the artisan to do so, because the brush in Paradis is held in place by a tab. In DeFiguerido, a guard is removed and then replaced in order to replace the wick, since a tab is used to hold the brush in place, it is within the purview of the artisan to use a flexible tab or a moveable tab to allow the brush to be removed in the device of Paradis.

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6. Claims 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Paradis et al. in view of DeFiguerido.

Paradis discloses a mailing machine (1) including an envelope moistener and a sealer. (Figure 1.) Brushes (50) are used to moisten the flap of the envelope. The brushes (50) are positioned in a two portion moistening device with a floating assembly to monitor the amount of fluid in the device. (Col. 3, line 65 through Col. 4, line 7.)

Paradis does not disclose using a window for monitoring the amount of fluid in the tank.

The "Background of the Invention" in Paradis discloses that visual observation can be used to ensure the water in the reservoir is above the minimum level if the reservoir tank is transparent or contains a transparent window which allows observation of the water level. Also, even when water is observable, some form of fluid level detection is required to prevent the water level from inadvertently falling below the minimum level. (Col. 1, lines 36-48.)

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include a window in the device is Paradis, because, as taught in therein, it is within the purview of the artisan to have a means for observing the water level as well as another form of fluid detection.

Paradis does not disclose whether the moistening means and sealing means are in the same housing. In the "Background of the Invention," however, Paradis suggests that the moistening means and the sealing means are in typical mail handling machines. (Col. 1, lines 9-17.)

DeFiguerido discloses an apparatus for moistening and sealing an envelope flap.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to place both the moistening means and the sealing means in a single housing, because it is known in the art to do so as shown by DeFiguerido and suggested by the prior art introduced in Paradis. Furthermore, having both the moistening and sealing means in the same housing creates a more compact device and prevents the moistened flap from drying before it is pressed into place on the envelope.

Regarding claim 7, Paradis discloses the mailing machine (1) includes a frame (46-1, 46-2) for supporting the various components of the moistening apparatus (20). The base (34) is mounted directly onto the frame (46-1, 46-2) and can be easily removed. (Col. 4, lines 53-61.)

Regarding claim 8, in order for the user to observe the water level in the tank, the window must form part of a face of the housing.

Allowable Subject Matter

7. Claims 9-16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. The following is an examiner's statement of reasons for allowance: Claim 9 requires that the tank be placed in a watertight channel (75) during operation. This channel is shown in Figure 7 of the instant application. Prior art does not teach or suggest using a watertight channel to hold the tank. Paradis holds the tank by means of frames (46-1, 46-2), there is no reason or suggestion for an artisan to use a watertight channel rather than those frames. Hubbard et al. (US Patent No. 5,354,407) discloses a well (80) where the moistened pad (70) is held. It is likely the

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well (80) is watertight, even though there is no mention of it in the reference, because an artisan would not want the water in the pad (70) to leak into the machine (10). The well (80) is held on a tray (116) which includes a fluid outlet tube (130). The outlet tube (130) results in the tray (116) not being watertight as required by claim 9. There is no teaching or suggestion in Hubbard for not having an outlet tube, thus there is no teaching or suggestion for the tray in Hubbard to be watertight.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

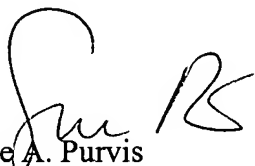
9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Flynt (US Patent No. 2,121,166) and Hibberd (US Patent No. 5,209,806) disclose envelope moistening and sealing devices which were of interest to the examiner.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sue A. Purvis whose telephone number is 703-305-0507. The examiner can normally be reached on Monday through Thursday 8am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rick Crispino can be reached on 703-308-3853. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-1495.



Sue A. Purvis
Examiner
Art Unit 1734

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March 21, 2003